

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
GREENVILLE DIVISION**

**JACKLYN A. SCOTT**

**PLAINTIFF**

**VS.**

**CIVIL ACTION NO.: 4:11CV00099-JMV**

**MICHAEL J. ASTRUE,  
COMMISSIONER OF SOCIAL  
SECURITY ADMINISTRATION**

**DEFENDANT**

**FINAL JUDGMENT**

This cause is before the court on the plaintiff's complaint for judicial review of an unfavorable final decision of the Commissioner of the Social Security Administration denying her claim for a Period of Disability, Disability Insurance Benefits, and Supplemental Security Income benefits. The parties have consented to entry of final judgment by the United States Magistrate Judge under the provisions of 28 U.S.C. § 636(c), with any appeal to the Court of Appeals for the Fifth Circuit. The court, having reviewed the administrative record, the briefs of the parties, and the applicable law and having heard oral argument, finds as follows, to-wit:

Consistent with the court's oral ruling following the parties' oral argument, the decision of the Commissioner of Social Security should be reversed because (1) the ALJ failed to conduct a function-by-function assessment before determining the claimant's residual functional capacity ("RFC"), and said error was not harmless and (2) the ALJ's RFC finding is not supported by substantial evidence in the record, particularly as there is no evidence indicating that the claimant can stand for six hours of an eight-hour workday. On remand, the ALJ shall reconsider her decision in light of the foregoing findings and conduct any proceedings not inconsistent with

this order. Ultimately, however, the court's ruling should in no way be construed as an advisory opinion in favor of a finding of disability.

**IT IS, THEREFORE, ORDERED AND ADJUDGED** that this case is **REVERSED** and **REMANDED** for further proceedings.

This, the 17<sup>th</sup> day of April, 2012.

/s/ Jane M. Virden  
U. S. MAGISTRATE JUDGE